

## MERCURY INC 1 HIGHLIGHTS: WEDNESDAY, 9 JUNE 2010

INC 1 convened for its third day on Wednesday, 9 June 2010. During the morning and afternoon, delegates considered the supply, demand, trade, waste and storage cluster.

### PREPARATION OF A GLOBAL LEGALLY BINDING INSTRUMENT ON MERCURY

**Cluster of topics (supply, demand, trade, waste and storage):** On supply, BRAZIL drew attention to environmentally sound storage of mercury and prevention of illegal trade. CHINA, supported by INDIA, highlighted the need to address the issue of demand before tackling the issue of supply. INDONESIA called for an integrated approach to control illegal trafficking while reducing supply and demand. JAPAN stressed the importance of promoting environmentally sound storage and disposal, and supported phasing out mercury supply.

AUSTRALIA supported prohibiting production of primary mercury and eliminating primary mercury supply by a fixed date. KYRGYZSTAN pledged to respect the commitment made regarding closing its primary mercury mine in spite of the change of the government, expressed appreciation to UNEP, UNITAR, GEF, US, Norway, and Switzerland for the assistance provided, and highlighted the need to have a parallel process to tackle social and economic problems associated with the closing.

INDIA underscored the need for flexible timeframes for the phase-out and consideration of permitted uses and exemptions. SRI LANKA noted that mercury is used in its indigenous medicinal practices for curing acute illnesses, and said a reduction of supply should not affect this national interest.

IRAQ highlighted the pervasiveness of mercury-containing products, noting that even the bulbs illuminating INC 1 may contain mercury. PAPUA NEW GUINEA noted that data on supply, sources and volumes must be collected and analyzed. PAKISTAN suggested developing a licensing system with monitoring for import and export of mercury.

IPEN called for immediate implementation of adequately funded mercury control programmes. The INTERNATIONAL COUNCIL ON MINING OF METALS (ICMM) noted that by-product mercury from mining may be used to meet demand as part of managed phase-out of supply. The ZERO MERCURY WORKING GROUP suggested banning primary mining and export of elemental mercury or compounds, with an exemption process providing for licensing and reporting.

On demand, the Secretariat introduced documents on reducing demand for mercury in products and processes (UNEP(DTIE)/Hg/INC.1/5, UNEP(DTIE)/Hg/INC.1/INF/2, 8, 9, 10 and 11).

The AFRICAN GROUP stressed that the mercury instrument should provide for awareness-raising and address attitudinal changes in developing countries. TAJIKISTAN called on UNEP and donors to provide technical and financial support for a mercury storage programme in his country. BANGLADESH stated that his country could only agree to reduce demand of mercury in products and processes in principle. JAPAN urged delegates to share information on alternatives for both products and processes. On products, NORWAY called for a general ban on the use of mercury with few exemptions, the gradual phase-out of dental amalgam, and the labeling of mercury-containing products.

CHINA supported phasing out mercury in products and processes, reported its efforts and progress in this regard, including having stopped the use of mercury in ASGM. SWITZERLAND suggested employment of technologies using mercury be ceased by 2020, and said the mercury issue in ASGM should be addressed separately. NEW ZEALAND supported obligations to reduce demand for mercury in products and processes. NEPAL noted the lack of awareness, scientific knowledge, and substitutes in his country, and suggested developing interim provisions, including technologies and financial resources for countries without capacity.

The EU and MEMBER STATES expressed support for addressing demand in the core provisions of the convention, and suggested the Secretariat explore further options for consideration at INC 2.

The DOMINICAN REPUBLIC called for an inventory of products containing mercury and emphasized the responsibility of producers to provide relevant information. BRAZIL stressed that reduction of supply and demand must consider availability of environmentally-sound alternatives.

The US expressed support either for a broad-based ban on products with exceptions, or for a list of banned products, and said labeling or controls on uses of products may not be effective. CANADA said the concept of essential uses will have to be carefully considered.

The PHILIPPINES emphasized the need for awareness-raising, noting that humans are creatures of habit and may prefer familiar techniques to alternatives. TAJIKISTAN noted the importance of addressing the use of mercury in catalysts for synthesis and for scientific purposes. PAKISTAN suggested establishing mercury content limits in products and using alternatives where possible.

COLOMBIA said demand reductions would require inventory and diagnosis of the national situation. INDIA stressed the success of public-private partnerships and called for a voluntary approach to phase out products and processes. The SEYCHELLES suggested the instrument take into account the livelihoods of people dependent on the fisheries industry,

particularly SIDS. HAITI reminded delegates of two types of mercury which are missing from the INC 1 documents, that is, mercury in electrodes and nanoparticles.

PANAMA expressed concern over mercury risks posed to vulnerable groups such as children and adults with chronic contact with mercury, called for long-term monitoring, and training professionals in providing services to such vulnerable groups, and raising awareness on preventing mercury hazards.

UNIDO said people in some regions are still unaware of efforts to phase out the use of mercury in the ASGM sector. WHO recommended a ban of mercury-based skin lightening products. IPEN called for a global ban on mercury-containing pesticides and fungicides. The ZERO MERCURY WORKING GROUP urged *inter alia*: a prohibition in the use of mercury in new products as well as a ban on construction of chlor-alkali plants. HEALTH CARE WITHOUT HARM cautioned that transition to non-mercury products within the health sector should be done gradually to avoid disrupting health care provision. CALIFORNIAN INDIAN ENVIRONMENTAL ALLIANCE urged parties to include indigenous communities' views, especially on ASGM.

On trade, the Secretariat introduced the documents on reducing international trade in mercury (UNEP(DTIE)/Hg/INC.1/5 and UNEP(DTIE)/Hg/INC.1/16).

The EU underscored that options for environmentally-sound disposal of mercury may not be available in each party's territory. The AFRICAN GROUP called for strict control of all forms of mercury and emphasized that export controls may be more effective than import controls.

IRAQ questioned whether the INC should refer to compounds or just products that contain mercury. JAPAN expressed support for measures which allow trade either for environmentally-sound disposal or when no alternatives are available for specified uses. The US emphasized that trade measures can be used to control supply. CHINA called for consideration of the cost and benefit of a potential monitoring system for trade.

NORWAY highlighted the Stockholm Convention's provisions on trade as a model, and said the instrument should regulate trade with non-parties. ARGENTINA asked the Secretariat to provide information about the experiences of the Montreal Protocol in allowing trade with non-parties.

EGYPT called for synergy with World Trade Organization (WTO) rules. SWITZERLAND emphasized that negotiations should aim to ban trade, but noted that some exceptions may be necessary, and said that a solution must be consistent with WTO law.

CANADA noted that categories of mercury may need to be discussed individually, and said the options for regulating import and export of mercury may not be equally appropriate or efficient. AUSTRALIA underscored the importance of determining obligations before signing off on the convention.

The ILO highlighted its experience in collaborating with UNITAR on the development of the Globally Harmonized System for Classification and Labeling and offered to share its library of resources.

On waste, the Secretariat introduced documents related to mercury-containing waste and the remediation of contaminated sites (UNEP(DTIE)/Hg/INC.1/5 Chapter 2 Sections F and G). MALAYSIA highlighted his country's efforts to address remediation of contaminated sites. The AFRICAN GROUP urged the use of the "polluter pays" principle to help the continent to deal with mercury waste and the remediation of mercury-contaminated sites. JAPAN, with NORWAY, called for the use of best available techniques and best environmental practices to address this issue, with JAPAN highlighting the work of his government in improving the management of mercury-containing wastes. CHINA, with SWITZERLAND, NORWAY, the EU Member States, and JORDAN, stressed that this discussion should be informed by the Basel Convention Secretariat. Urging the use of the Extended Producer Responsibility principle to help SIDS deal with mercury-containing wastes, KIRIBATI

stressed that although such schemes may not be included in the instrument, there is a need for immediate action on mercury. IRAQ requested UNEP and concerned governments to assist his country in dealing with remediation of mercury-contaminated sites.

BRAZIL and JAMAICA said when developing the mercury instrument, there is a need to develop criteria and reference values for assessing mercury-contaminated sites. JAMAICA said the instrument should take into account the special situation of SIDS, and supported by the US and AUSTRALIA, recognized the role and technical guidelines of the Basel Convention, and noted the need to make reference to its relevant provisions. EGYPT, SOUTH AFRICA, PAPUA NEW GUINEA and TUNISIA highlighted the needs of developing countries for capacity building and technical support in assessing mercury-contaminated sites and taking remedial actions. The US said minimizing the use of mercury in products and processes is the most effective way to prevent additional accumulation of mercury wastes, and highlighted the importance of regulatory and legislative measures, information sharing, training and capacity building.

INDIA noted difficulty in separating mercury from fly ash produced in coal burning and said technology should be developed to address this. SOUTH AFRICA said that the instrument should take into consideration the situation in developing countries, especially in Africa, and should include the "polluter pays" principle. PAKISTAN noted the need for a clear definition of mercury-containing wastes and mercury-contaminated sites. SRI LANKA emphasized that the commitment of producers to create mercury-free products at affordable prices is essential, and, with the PHILIPPINES, called for inclusion of the "polluter pays" principle in the instrument. IRAQ underscored the need for human and financial resources to assist countries with remediation of contaminated sites.

The BASEL CONVENTION SECRETARIAT offered assistance in deliberations on waste management. IPEN emphasized the need to avoid regulatory lapses between the mercury instrument and the Basel Convention. ISLAND SUSTAINABILITY ALLIANCE emphasized the need for financial and technical assistance to ensure compliance and called for inclusion of the precautionary principle. The CALIFORNIAN INDIAN ENVIRONMENTAL ALLIANCE called for the inclusion of the requirement to address legacy mining waste in the convention.

On storage, the Secretariat introduced the documents related to enhancing the storage capacity of mercury (UNEP(DTIE)/Hg/INC.1/5).

The EU emphasized the importance of disposal of surplus liquid mercury, and noted that the Basel Convention technical guidelines may provide useful information. BAHRAIN emphasized the need for environmentally sound storage, noting that "safe" storage might be neglected and in time become unsafe.

BRAZIL emphasized that, due to costs of instituting storage options, export of metallic mercury to countries with appropriate infrastructure is most viable. The US suggested it may be most cost effective for each region to have a plan for its own storage or export, as appropriate.

### IN THE CORRIDORS

While enjoying an evening's entertainment hosted by the Swiss Government, chatter focused more on "loving Stockholm" than on the question of "where to from here?" Those few in serious reflection mode suggested the bureau faces a significant task in proposing an acceptable way forward, in terms of agreeing specific Secretariat activities to prepare for INC 2. Others suggested the bureau was best placed to chart a path forward, contending that the approach may be an exercise of skilled chairmanship, curbing extensive plenary debate, thus allowing a spirit of congeniality to reign.